

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1617.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	September 14, 2000
DATE OF REPORT:	October 12, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 29, 2000

COMPLAINT ISSUES:

Whether the Southwestern-Jefferson County Consolidated Schools and the Madison Area Educational Special Services Unit violated:

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure that the student's teacher of record:

- a. made the student's individualized education program (IEP) accessible to the student's general education teacher, and
- b. informed each of the student's teachers of his or her specific responsibilities related to implementing the student's IEP.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's IEP as written, specifically, failing to provide accommodations identified in the IEP.

During the course of the investigation, the same issues as listed above were identified with 37 other students. These issues are:

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to school's alleged failure to ensure that the students' teachers of record:

- a. made the students' IEPs accessible to the students' teachers, and
- b. informed each of the students' teachers of his or her specific responsibilities related to implementing the students' IEPs.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the students' IEPs as written, specifically, failing to provide accommodations identified in the IEPs.

FINDINGS OF FACT:

1. The student is nine years old and is in the fourth grade. He has been determined eligible for special education due to a learning disability.
2. According to the IEP dated April 6, 2000, the student participates in general education for the entire instructional day. The only special education service identified for the student is consultation with a teacher licensed in the area of learning disabilities one time at midterm for each grading period. The IEP reflects the student has one annual goal and six special education accommodations.

3. The director acknowledges in her response dated September 25, 2000, that the student's teacher of record failed to inform the student's general education teacher that the student had an IEP and special education accommodations. School started on August 15, 2000; however, the student's teacher of record did not inform the general education teacher of the student's special education status or provide the general education teacher with a copy of the student's accommodations as listed in the IEP until September 12, 2000.
4. The local special education supervisor states the student's teacher of record failed to inform teachers of 22 other students of the teachers' specific responsibilities related to implementing each of the students' IEPs. The local special education supervisor states another teacher of record failed to inform teachers of approximately 15 students of the teachers' specific responsibilities related to implementing each of the students' IEPs. Both teachers of record failed to make the IEPs and the special education accommodations accessible to teachers who are responsible for implementation of the students' IEPs. As of September 12, 2000, all teachers for students on the two teacher of record caseloads have been advised of the requirements specified in the students' IEPs and have been informed of his or her specific responsibilities related to the implementation of the students' IEPs.

CONCLUSIONS:

1. Finding of Fact #3 indicates the school failed to make the IEP accessible to the student's general education teacher, and failed to inform the student's general education teacher of his or her specific responsibilities related to implementing the student's IEP. Therefore, violations of 511 IAC 7-27(b) and 511 IAC 7-17-72 are found.
2. Finding of Fact #3 reflects the school failed to implement the student's IEP as written, specifically, failing to provide accommodations identified in the IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.
3. Finding of Fact #4 indicates the school failed to make the 37 IEPs accessible to the students' teachers, and failed to inform the students' teachers of their specific responsibilities related to implementing the students' IEPs. Therefore, a violation of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
4. Finding of Fact #4 reflects the school failed to implement the 37 students' IEPs as written, specifically, failing to provide accommodations identified in the IEPs. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Southwestern-Jefferson County Consolidated Schools and the Madison Area Educational Special Services Unit shall:

1. In-service all appropriate school personnel within the school corporation as to the requirements specified in 511 IAC 7-17-72 and 511 IAC 7-27-7(a) and (b). Submit documentation to the Division that the in-service training has been completed no later than November 15, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

2. Convene a CCC meeting to determine the student's need for compensatory educational services. Submit a copy of the Case Conference Summary Report and any revised IEP to the Division no later than November 15, 2000.
3. Mail a letter to the parents of the 37 students in question advising them that their child's teacher of service had not been informed of the requirements specified in the student's IEP from August 15, 2000, through September 12, 2000. The letter should offer the parents the option to convene a CCC meeting to discuss and determine the need for compensatory educational services. The letter should include a statement indicating that if the parents do not wish to convene a CCC meeting to discuss this one issue, that the issue will be addressed at the next regularly scheduled CCC meeting. Specify in the letter a deadline no less than three weeks from the date the letter is mailed for the parents to respond to the option of convening a CCC meeting. The letter should specify who the parents should contact to schedule a CCC meeting and how this individual can be reached. The letter should be mailed to all parents no later than November 3, 2000. Submit a copy of the letter to the Division no later than November 15, 2000.